

**FILED
UNDER
SEAL**

Prob12C
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Rev. March 2017

United States District Court
for
the District of Nevada

PETITION FOR WARRANT
FOR OFFENDER UNDER SUPERVISION

Name of Offender: **Joseph Gabaldon**

Case Number: **2:20CR00241**

Name of Sentencing Judicial Officer: **Honorable James C. Mahan**

Date of Original Sentence: **April 23, 2021**

Original Offense: **Felon in Possession of a Firearm**

Original Sentence: **18 Months prison, followed by 36 Months TSR.**

Date Supervision Commenced: **November 19, 2021**

Name of Assigned Judicial Officer: **Honorable James C. Mahan**

PETITIONING THE COURT

☒ To issue a warrant.

The probation officer believes the offender has violated the following condition(s) of supervision:

1. **Do Not Unlawfully Use Controlled Substance** - You must refrain from any unlawful use of a controlled substance. You must submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court, not to exceed 104 tests annually.

On the following dates, Gabaldon tested positive for methamphetamine:

- March 5, 2022
- March 31, 2022
- June 27, 2022

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- July 22, 2022
- July 29, 2022
-

2. **Drug Testing** – You must submit to substance abuse testing to determine if you have used a prohibited substance. *Testing shall not exceed 104 tests per year.* You must not attempt to obstruct or tamper with the testing methods.

On the following dates, Gabaldon failed to report for his drug test:

- August 1, 2022
- August 8, 2022
- August 13, 2022
- August 20, 2022
- August 24, 2022

3. **Substance Abuse Treatment** – You must participate in an outpatient substance abuse treatment program and follow the rules and regulations of that program. The probation officer will supervise your participation in the program (provider, location, modality, duration, intensity, etc.).

Gabaldon failed to report for substance abuse treatment on the following dates:

- May 3, 2022
- July 28, 2022
- August 2, 2022
- August 4, 2022
- August 8, 2022
- August 9, 2022
- August 11, 2022
- August 15, 2022
- August 16, 2022
- August 18, 2022
- August 22, 2022
- August 23, 2022
- August 25, 2022

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U.S. Probation Officer Recommendation:

The term of supervision should be:

☒ Revoked

I declare under penalty of perjury that the
information contained herein is true and correct,

Executed on **August 30, 2022**

Digitally signed by
Annis C. Seopaul Sones Annis Seopaul Sones
Date: 2022.08.30
10:57:25 -07'00'

Annis C. Seopaul Sones
United States Probation Officer

Approved:



Digitally signed by Todd
Fredlund
Date: 2022.08.30 10:53:23
-07'00'

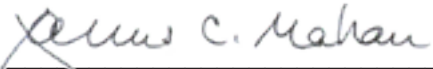
Todd J. Fredlund
Supervisory United States Probation Officer

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THE COURT ORDERS

- ☐ No Action.
☒ The issuance of a warrant.
☐ The issuance of a summons.
☐ Other:



Signature of Judicial Officer

August 31, 2022

Date

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**UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA
UNITED STATES V. JOSEPH GABALDON, 2:20CR00241**

**SUMMARY IN SUPPORT OF PETITION FOR WARRANT
August 30, 2022**

On April 23, 2021, Joseph Gabaldon was sentenced to 18 months imprisonment followed by 36 months supervised release for committing the offense of Felon in Possession of a Firearm. On November 19, 2021, Gabaldon commenced supervised release in the District of Nevada.

Four months into commencing supervision, Gabaldon relapsed and tested positive for methamphetamine on March 5, 2022. On March 29, 2022, Your Honor was notified of Gabaldon's positive drug test. In response, Gabaldon's drug testing was increased to monitor for further potential use of controlled substances, and he was enrolled in substance abuse treatment.

On March 31, 2022, Gabaldon tested positive again for methamphetamine. Gabaldon acknowledged he had a problem. At that time, it was decided that Gabaldon needed a higher level of treatment.

On April 21, 2022, Gabaldon was enrolled in WestCare Intensive Outpatient Program (IOP). Gabaldon was compliant and doing well in IOP. However, Gabaldon relapsed on June 27, 2022. He was expected to graduate from IOP on July 14, 2022; however, due to his relapse, his treatment was going to be extended. Gabaldon continued to use methamphetamine, testing positive on July 22, 2022 and July 29, 2022.

On July 27, 2022, the undersigned officer met with Gabaldon at his residence. The undersigned addressed his relapse and provided Gabaldon with a Prob 49, modification to reside at the Residential Reentry Center for a period of 90 days due to his relapse and wanting to place him in a more restrictive environment to get him back on track. Gabaldon became upset and asked if he could just go back in front of the judge to end his supervision and go back to prison and be done with all of this.

On July 28, 2022, Gabaldon stopped attending IOP and has not returned since then. On August 1, 2022, Gabaldon stopped reporting to drug testing and has not reported thereafter.

To date, Gabaldon has tested positive for methamphetamine on five (5) dates. Additionally, Gabaldon has missed five (5) drug tests to date, all in August 2022. Gabaldon has ceased calling the drug testing line as required. Gabaldon last called on August 2, 2022. It is apparent Gabaldon is no longer amenable to supervision and is refusing to drug test.

Additionally, it is difficult for the undersigned officer to contact Gabaldon as he continues to report that he does not have his own phone, and the undersigned must contact him by going to the residence, or contacting his mother, which has not been conducive to being able to effectively supervise Gabaldon.

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Pursuant to 18 § 3583 (g)(4), revocation is mandatory for testing positive for illegal controlled substances more than three (3) times over the course of (one) 1 year. As reflected in this petition, Gabaldon has tested positive for an illegal controlled substance on five (5) occasions since March 2022.

The Probation Office respectfully requests the issuance of a Warrant for Gabaldon to appear before Your Honor to show cause why supervision should not be revoked. Additionally, the Probation Office respectfully requests that Gabaldon remain in custody while pending his revocation hearing.

Respectfully submitted,

 Digitally signed by Annis
Seopaul Sones
Date: 2022.08.30 10:58:00
-07'00'

Annis C. Seopaul Sones
United States Probation Officer

Approved:



Digitally signed by Todd
Fredlund
Date: 2022.08.30 10:53:55
-07'00'

Todd J. Fredlund
Supervisory United States Probation Officer